

the U.S. Supreme Court decisions are when the leaders of both political parties in the Senate propose legislation to take jurisdiction away from the Court in this area.

I include the above-mentioned article from the Washington Daily News of September 18 and the text of the bill referred to above in the RECORD at this point:

**OBSCENITY PROPOSAL COULD RELIEVE PRESURE: BREAK FOR FORTAS?**

Backers of the Abe Fortas' nomination to head the Supreme Court reviewed their strategy today in light of developments that possibly could help them win Senate confirmation of his controversial appointment.

The Senate Judiciary Committee approved the nomination yesterday after three months of sharp dispute, but a threatened filibuster by opposition Republicans and Southerners threatens to prevent a floor vote.

Justice Fortas' supporters were taking a closer look, however, at a move in the Senate that might give critics of the Supreme Court another way to vent their censure, perhaps thereby relieving some of the pressure against the nomination.

**AUTHORITY RESTRICTION**

This was Republican leader Everett M. Dirksen's proposal to strip the court of its appellate authority over lower court cases involving obscenity and pornography.

Sen. Dirksen's proposal, submitted as an amendment to the gun control measure now being debated on the floor, would prohibit the High Court's reviewing Federal or state court decisions as to what is obscene.

Some opponents of Justice Fortas have criticized the decisions he has made on obscenity cases during his tenure as an associate justice.

Senate Democratic leader Mike Mansfield endorsed Sen. Dirksen's proposal, and both said they felt it would win wholehearted Senate approval, although it might die in a later Senate-House conference committee.

**BROAD CRITICISM**

Both Sens. Mansfield and Dirksen support the Fortas nomination, but Sen. Dirksen said his obscenity amendment was not designed to "take the heat off" it.

Sen. Mansfield said, he felt the five-man majority that decided most of the Supreme Court obscenity cases being criticized should be held for an accounting.

"I do not believe in taking out on one man our feelings on a whole court," Sen. Mansfield said.

Sen. John L. McClellan (D., Ark.) told the Senate, Sen. Dirksen's proposal would be a "far harsher and (more) severe" indictment of the court than refusal to confirm Justice Fortas.

He called it the harshest penalty Congress could assess the court "short of impeachment."

The Fortas nomination is scheduled to be filed in the Senate next Monday. Sen. Mansfield indicated he will let the debate run for about a week before moving to shut it off with a cloture vote.

If the vote is within half a dozen votes of the two-thirds majority needed to halt a filibuster, another attempt may follow. If not, the nomination may be dropped.

S. 4068

A bill to amend title 18 and title 28 of the United States Code with respect to the trial and review of criminal actions involving obscenity, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 71, title 18, United States Code, is amended by adding at the end thereof the following new section:

**"§ 1466. Determinations of fact**

"In every criminal action arising under this chapter or under any other statute of the United States determination of the question whether any article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy shall be made by the jury, without comment by the court upon the weight of the evidence relevant to that question, unless the defendant has waived trial by jury."

(b) The section analysis of that chapter is amended by inserting at the end thereof the following new item:

**"1466. Determinations of fact."**

Sec. 2. (a) Title 28, United States Code, is amended by adding at the end thereof the following new chapter:

**"Chapter 176.—ACTIONS INVOLVING OBSCENITY**

"Sec.

"3001. Judicial review.

**"§ 3001. Judicial review**

"(a) In any criminal action arising under any statute of the United States for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device, or substance, no court of the United States or of the District of Columbia shall have jurisdiction to review, reverse, or set aside a determination made by a jury on the question whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy.

"(b) In any criminal action arising under any statute of any State or under any law of any political subdivision of any State for the prosecution of any person for the possession, sale, dissemination, or use of any obscene, lewd, lascivious, indecent, vile, or filthy article, matter, thing, device, or substance, no court of the United States shall have jurisdiction to review, reverse, or set aside a determination made by a court of such State on the question whether such article, matter, thing, device, or substance is in fact obscene, lewd, lascivious, indecent, vile, or filthy."

(b) The analysis of title 28, United States Code, preceding part I thereof is amended by adding at the end thereof the following new item:

**"176. Actions involving obscenity---- 3001"**

(c) The chapter analysis of part VI, title 28, United States Code, is amended by adding at the end thereof the following new item:

**"176. Actions involving obscenity----- 3001"**

**THE HONORABLE CHARLES ABRAHAM HALLECK**

**HON. PAUL A. FINO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 18, 1968

Mr. FINO. Mr. Speaker, when the 91st Congress convenes next January, some of us will be missing from this Chamber. One of them, is the statesman from Indiana, CHARLES A. HALLECK. The gentleman has spent 33 years representing the people of the Second District of Indiana. There is abundant record that he has represented it ably and well and with complete dedication to not only his State but the Nation as well.

It has been my good fortune to know and serve in this body with CHARLIE HAL-

LECK for the past 16 years. Time and time again he has demonstrated his able and forceful manner as a legislator and a leader.

While I know he will be missed by all of the Members of this House, he has earned a well-deserved rest. I hope for CHARLIE many years of good health and happiness in his retirement.

**HOW WIDE IS CIA'S INVOLVEMENT?**

**HON. CLARENCE E. MILLER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 19, 1968

Mr. MILLER of Ohio. Mr. Speaker, the Central Intelligence Agency is in the position of being secret. Secret not only in the work it does but in its accounting to the Government that supports it. On Tuesday, September 17, 1968, the Lancaster Eagle-Gazette of Lancaster, Ohio, published an editorial which raised a question concerning the involvement of the CIA. I would like to insert that editorial in the RECORD at this point:

**How Wide Is CIA's Involvement?**

America's principal foreign intelligence corps, the Central Intelligence Agency (CIA), has been blamed for many things by many people over the years.

Because it is accountable only to the President and is so secret even Congress is not permitted to know details of its operations, the CIA remains an enigma.

Certainly the CIA has been blamed for many acts of international political intrigue of which it was innocent.

Careful analysis of some of the sources of these charges makes it clear the CIA is a favorable whipping boy for leftist groups of many stripes, from Castro communists to "new left" groups in the United States.

But there also has been at least circumstantial evidence difficult to refute which suggests the CIA is not entirely innocent of intrusion into the political affairs of other governments.

No one really knows the truth about the CIA except the president and perhaps some of his closest advisers. If it were otherwise, the CIA would serve no useful function.

But there is even the distinct possibility that a far-flung secret agency such as this may be involved in activities of which the president is not aware and which he would not approve if he were.

With this by way of introduction, Americans should be familiar with—but accept with tongue in cheek—the claims by former Bolivian minister of government, Antonio Arguedas Mendizeta.

Arguedas was one of the most influential men in the Bolivian government until forced to resign in the bizarre aftermath of the death of the Cuban guerrilla, Che Guevara.

It should be noted that Arguedas is fond of the Cuban revolution. It was he who sent a copy of the Guevara diary to Cuba, an act for which he is now under arrest.

But in an unprecedented press conference after his arrest, the former head of Bolivia's intelligence implied that his government had been little more than a mouthpiece for the CIA for the last three years.

Arguedas is reported to have named names to support his argument that he was used by the CIA to "corrupt" politicians, journalists and businessmen in his country.

Only the upper echelons of the Johnson administration know whether there is any